

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the "Columbia)
County Justice Court CLE/CTOP Ordinance")
to Fund Continuing Legal Education and) ORDINANCE NO. 2003 - 3
Court Operation Expenses of the Columbia)
County Justice Court(s))
_____)

The Board of County Commissioners for Columbia County ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 2003 - 3. Exhibit "A", which is attached hereto and incorporated herein by this reference, shall be known as the "Columbia County Justice Court CLE/CTOP Ordinance".

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035.

SECTION 3. PURPOSE.

This purpose of this ordinance is to repeal Ordinance No. 92-2, to maintain an account within the General Fund for funds to pay for Continuing Legal Education (CLE) classes and other court operations, and to provide a source of funds for CLE courses for the Justice(s) of the Peace in Columbia County, Oregon, as mandated by ORS 51.245, and for other court operations.

SECTION 4. CONFORMANCE WITH OTHER LAWS.

This ordinance shall in no way be a substitute for, nor eliminate the necessity of conforming with, any and all laws and administrative rules of the State of Oregon, or its agencies, or any other ordinance, rule, or regulation of Columbia County.

SECTION 5. REPEALER.

Ordinance No. 92-2 is repealed. All previously adopted ordinances, resolutions or parts thereof in conflict with this ordinance, to the extent of such conflict and no further, are also hereby repealed.

SECTION 6. SEVERABILITY.

If any provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and


independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. EMERGENCY CLAUSE/EFFECTIVE DATE.

This ordinance, being immediately necessary for the public health, safety and welfare, the Board declares that an emergency exists and that this ordinance shall take effect on July 1, 2003.

DATED this 11th day of June, 2003.

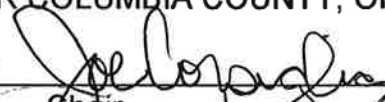
Approved as to form

By: 
Office of County Counsel


Attest:

By: 
Recording Secretary

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

By: 
Commissioner

By: 
Commissioner

First Reading: 6-4-03
Second Reading: 6-4-03
Effective Date: 6-11-03
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EXHIBIT "A"

COLUMBIA COUNTY JUSTICE COURT CLE/CTOP ORDINANCE

SECTION 1. TITLE.

This ordinance shall be known as the "Columbia County Justice Court CLE/CTOP Ordinance".

SECTION 2. PURPOSE.

This purpose of this ordinance is to repeal Ordinance No. 92-2, to maintain an account within the General Fund for funds to pay for Continuing Legal Education (CLE) classes and other court operations, and to provide a source of funds for CLE courses for the Justice(s) of the Peace in Columbia County, Oregon, as mandated by ORS 51.245, and for other court operations.

SECTION 3. APPLICATION.

This ordinance shall apply to each Columbia County Justice Court.

SECTION 4. SCOPE.

This ordinance shall apply to all offenses brought before the Columbia County Justice Courts originating within the unincorporated areas of Columbia County, Oregon. In addition, it shall apply to all offenses brought before the Justice Courts originating from within the incorporated city limits of any city which consents to application of this ordinance within such city.

SECTION 5. CONTINUING LEGAL EDUCATION (CLE)/COURT OPERATION (CTOP) ACCOUNT.

The Columbia County Justice Court Continuing Legal Education/Court Operation account, to be known as the CLE/CTOP Account, is hereby established as a separate account and line item within the Columbia County General Fund.

SECTION 6. CONTINUING LEGAL EDUCATION (CLE)/COURT OPERATION (CTOP) ASSESSMENT.

A. Whenever a sentence of a fine, imprisonment or both is imposed by a Justice of the Peace in any Columbia County Justice Court, including a sentence imposed and thereafter suspended, or a bail forfeiture is ordered, as a penalty for an offense, as defined in ORS 161.505, excluding parking violations, a Continuing Legal Education/Court Operation Assessment (CLE/CTOP Assessment), in addition to such sentence or bail forfeiture, shall be collected.

B. The CLE/CTOP Assessment is not part of the penalty or in lieu of any part

thereof. The amount of the CLE/CTOP Assessment shall be as follows:

- 1) \$1 when the fine or forfeiture is \$5 to \$14.99.
- 2) \$2 when the fine or forfeiture is \$15 to \$49.99.
- 3) \$4 when the fine or forfeiture is \$50 to \$99.99.
- 4) \$6 when the fine or forfeiture is \$100 to \$249.99.
- 5) \$8 when the fine or forfeiture is \$250 to \$499.99.
- 6) \$12 when the fine or forfeiture is \$500 or more.

C. CLE/CTOP Assessments imposed under this section shall be administered as provided under Section 7 of this ordinance.

D. The Justice is not required to impose the CLE/CTOP Assessment, or a part of the Assessment, if it finds that the defendant is indigent or that imposition of the Assessment would constitute an undue hardship.

E. Payment to a Justice Court shall not be credited to the CLE/CTOP Assessment described in this section until all other fines, fees and assessments ordered by the Court have been paid.

SECTION 7. COLLECTION AND ADMINISTRATION.

A. Within 60 days after receipt of the CLE/CTOP Assessment by the Justice Court, the Assessment shall be paid to the Columbia County Treasurer for deposit into the CLE/CTOP Account.

B. When any bail is deposited with the Justice Court for an offense, the person making such deposit shall include with the bail the amount of the CLE/CTOP Assessment.

C. If the bail for an offense is forfeited, the CLE/CTOP Assessment included therewith shall be paid to the County Treasurer as provided in Subsection A of this Section. If the bail is returned, the Assessment included therewith shall also be returned.

SECTION 8. AUTHORIZED USES OF CLE/CTOP ACCOUNT.

A. The Columbia County Treasurer shall deposit all CLE/CTOP Assessments received into the CLE/CTOP Account. These funds are to be used to pay for continuing legal education courses for the Justice(s) of the Peace in Columbia County, Oregon as required by ORS 51.245, to include education and training courses for the clerical staff of the Justice Court(s) at the discretion of the Justice(s) of the Peace, and for court operations expenses within its revenue lines, as set forth in Subsection B of this Section, and Sections 9 through 11 below.

B. The funds from CLE/CTOP Assessments are to be used as follows:

(1) Forty percent (40%) shall be used for Justice Court education expenses;

(2) Sixty percent (60%) shall be used for Court operations expenses.

C. CLE\CTOP assessment revenues and expenditures shall be handled in accordance with the Local Budget Law, ORS 294.305 to 294.520, 294.555 and 294.565.

D. The amounts intended for the CLE/CTOP Account are to be held as last priority with respect to payment of, but in addition to, any required state charges or assessments, to include the assessments outlined in ORS 137.309.

E. The Columbia County Treasurer shall disburse monies from the CLE/CTOP Account only upon receipt of the required documentation as more fully described in Section 9 below.

F. Any funds remaining in the CLE/CTOP Account at the end of each fiscal year will remain in the Columbia County General Fund as undedicated revenues.

SECTION 9. DOCUMENTATION REQUIRED.

Prior to the release of any monies from the CLE/CTOP Account, the Columbia County Treasurer shall be in receipt of documentation sufficient to identify, with specificity, the CLE or CTOP expense incurred or to be incurred, which documentation shall include, but not be limited to:

1) In the matter of CLE expenses:

a) the registration documentation, pamphlet, agenda or other information sufficient to identify the class being offered and that it meets the requirements of ORS 51.245;

b) completion of the registration and submission of the costs by the Columbia County Treasurer to the firm conducting the CLE, or submission of a County claim statement for reimbursement to the Justice for costs already incurred along with receipts or other supporting documentation.

2) In the matter of Court operations expenses:

a) The invoice and/or order form along with supporting documentation identifying the materials or expenses to be incurred;

b) Payment of the invoice, or submission of the order form along with payment, by the Columbia County Treasurer.

3) The Columbia County Treasurer shall store the records documenting disbursements from the CLE/CTOP Account for a period of five (5) years after such

disbursement.

SECTION 10. CONTINUING EDUCATION.

A. Pursuant to ORS 51.245, each Justice of the Peace who is not a member of the Oregon State Bar shall attend or participate in a minimum of 30 hours of educational programs every two calendar years. The programs shall be those conducted and supervised or approved by the Chief Justice of the Supreme Court or designee.

B. Each Justice of the Peace who is not a member of the Oregon State Bar shall submit a written annual report of the hours of educational programs referred to in subsection (1) of this section that are attended or participated in by the justice during each calendar year to the Oregon Justices of the Peace Association and shall submit a copy of that report to the Office of Columbia County Counsel. The report and copy shall be submitted not later than March 1 of the year following the calendar year for which the report is applicable.

C. Failure to submit a copy of the report to the Office of Columbia County Counsel by March 15 of each calendar year shall result in no further funds being released from the CLE/CTOP Account until such report has been received.

SECTION 11. COURT OPERATION EXPENSES.

Disbursements from the CLE/CTOP Account for court operation expenses shall be for supplies, materials, computer software and/or hardware, furnishings and the like needed for the efficient operation of the Justice Court(s), and shall not be used for personnel costs such as payroll, benefits, etc.